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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN CARLOS SANCHEZ  
FERNANDEZ,

Defendant and Appellant.

E064903

(Super.Ct.No. FSB1401804)

OPINION

APPEAL from the Superior Court of San Bernardino County. Steve Malone,  
Judge. Affirmed with directions.

Trenton C. Packer, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Juan Carlos Sanchez Fernandez was charged by information with possession of a firearm by a felon. (Pen. Code,<sup>1</sup> § 29800, subd. (a), count 1.) It was also alleged that he committed count 1 for the benefit of a criminal street gang (§ 186.22, subd. (b)(1)(A)), that he had served two prior prison terms (§ 667.5, subd. (b)), and that he had one prior strike conviction (§§ 1170.12, subds. (a)-(d) & 667, subds. (b)-(i)). Pursuant to a plea agreement, defendant pled guilty to count 1 and admitted the gang enhancement allegation. The court struck the remaining allegations. In accordance with the plea agreement, the court placed defendant on probation for three years on specified conditions, including gang terms.

Subsequently, the probation department filed a petition to revoke defendant's probation. Following a probation revocation hearing, the trial court found that defendant violated term no. 3 of his probation by failing to report to probation as directed. The court revoked his probation and sentenced him two years on count 1, plus three years on the gang enhancement, for a total of five years in state prison.

Defendant filed a timely notice of appeal. We affirm.

### PROCEDURAL BACKGROUND

Defendant was charged with and admitted that, on or about April 14, 2014, he committed the crime of being a felon in possession of a firearm. (§ 29800, subd. (a).)

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<sup>1</sup> All further statutory references will be to the Penal Code, unless otherwise noted.

## DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and no potential arguable issues. Counsel has also requested this court to undertake a review of the entire record.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

Although not raised by the parties, we note one clerical error. Generally, a clerical error is one inadvertently made. (*People v. Schultz* (1965) 238 Cal.App.2d 804, 808.) Clerical error can be made by a clerk, by counsel, or by the court itself. (*Ibid.* [judge misspoke].) A court “has the inherent power to correct clerical errors in its records so as to make these records reflect the true facts. [Citations.]” (*In re Candelario* (1970) 3 Cal.3d 702, 705.)

Here, the court held a probation revocation hearing and found that defendant had violated term No. 3 of his probation conditions. Notwithstanding the court’s finding, the November 13, 2015 minute order states that defendant admitted that he violated probation term No. 3. It is apparent that this error was inadvertent. In the interests of avoiding confusion and having an accurate record, we will direct the superior court clerk to generate a new minute order reflecting that the court found that defendant violated term No. 3 of his probation conditions. We will also direct the superior court clerk to

delete the reference to defendant's admission that he violated his probation from the November 13, 2015 minute order.

DISPOSITION

The superior court clerk is directed to generate a new minute order reflecting that the court found that defendant violated term No. 3 of his probation conditions. In addition, the superior court clerk is directed to delete the reference to defendant's admission that he violated probation term No. 3 from the November 13, 2015 minute order. In all other respects, the judgment is affirmed.

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HOLLENHORST  
J.

We concur:

RAMIREZ  
P. J.

McKINSTER  
J.